

REMARKS

Favorable reconsideration of this application is respectfully requested.

The Title is amended by the present response to be more clearly directed to the claimed invention.

Claims 3, 4, 8, 9, 11, 12, 16, and 17, are pending in this application. Claims 3, 4, 8, 9, 11, 12, 16, and 17 were rejected under 35 U.S.C. §101. That rejection is traversed by the present response.

The entire grounds for rejection under 35 U.S.C. §101 states:

The claimed invention of claims 9, and 17 would impermissibly cover every substantial practical application of, and thereby preempt all use of, an abstract idea, and therefore the claimed invention is non-statutory.¹

Applicants traverse that grounds for rejection.

Independent claim 9 is directed to a computer readable storage medium that stores a program configured to cause a computer to execute a method for simulating a mechanism. Independent claim 17 is directed to a method of simulating a mechanism.

The outstanding grounds for rejection is first traversed as it has not at all indicated in any manner what “abstract idea” the present invention is preempting all use of. As noted in M.P.E.P. §2106IV(C)(3), see M.P.E.P. page 2100-13,

Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable as they are the basic tools of scientific and technological work...One may not patent a process that comprises every “substantial practical application” of an abstract idea, because such a patent “in practical effect would be a patent on the [abstract idea] itself”... Thus, a claim that recites a computer that solely calculates a mathematical formula (see Benson) or a computer disk that solely stores a mathematical formula is not directed to the type of subject matter eligible for patent protection. If USPTO personnel determine that the claimed invention preempts a 35 U.S.C. 101 judicial exception, ***they must identify the abstraction, law of nature, or natural phenomena and explain***

¹ Office Action of August 2, 2007, page 4, prenumbered paragraph 11 (original emphasis).

why the claim covers every substantial practical application thereof. [Emphasis added].

Applicants submit clearly the outstanding rejection does not meet the requirement clearly established in the M.P.E.P. above that the Office Action must ***identify the abstraction*** and explain ***why*** the claim covers every substantial practical application thereof. The grounds for rejection is clearly a conclusory statement without any basis.

Moreover, applicant submit the claims clearly do not preempt all uses of any abstract idea.

Each of independent claims 9 and 17 clearly recites a feature of “executing a kinematic simulation” using “data representing a plurality of mechanism elements of a three-dimensional mechanism model”. Clearly such claimed features recite specific implementations of the claimed operations that would ***not*** preempt all use of an abstract idea. The outstanding rejection is not fully considering all the claimed features.

Moreover, applicants note that the claims as written are directed to operations that clearly set forth useful, concrete, and tangible results. The claims clearly recite executing a kinematic simulation based on specific information, which clearly sets forth a useful, tangible, and concrete result of the claimed operations.


In view of the foregoing comments, applicants respectfully submit the outstanding grounds for rejection has clearly not set forth any proper basis for a rejection under 35 U.S.C. §101, and further the claims as written are clearly directed to statutory subject matter under 35 U.S.C. §101.

Application No. 10/743,090
Reply to Office Action of August 2, 2007.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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